IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 17449 of 2004

Between:

P.Chenna Reddy S/o. Muni Reddy
D.No.11/35/6/2, Adapala Street,

Kadiri Ananthapur District.

..... PETITIONER

AND

1. The Depot Manager, APSRTC Kadiri Depot, Kadiri, Ananthapur Ananthapur District.
2. The Divisional Manager, APSRTC Ananthapur Division,

Ananthapur District.
3. The Regional Manager, APSRTC Anantapur Region,

Ananthapur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of mandamus or any other appropriate writ, declaring the action of the 1st respondent in imposing the major penalty of postponement of two annual increments, which shall have the effect of future increments besides forfeiting the security deposit vide his proceedings bearing No.1/2/(30)/95-KDR dated 7-8-1996 and proceedings bearing No.01/2(30)/95 -KDR dated 9-11-2000 without conducting any enquiry and confirming the same by the 2nd and 3rd respondent in their proceedings bearing Nos. TY/19 (47)/2001-DVM-A dated 21-6-2001 and Proceedings bearing No

PA/675(94)/02-RM-A dated 23.11.2002 as illegal, arbitrary and in violation of the Principles of natural justice and consequently direct the respondents to add two increments to the pay of the petitioner and pay the arrears.

Counsel for the Petitioner :MR.A.RAMA RAO

Counsel for the Respondents : MR.Y.V.SWAMY

The Court made the following:

ORDER :

The petitioner is working as a Driver in the respondent- Corporation. A charge memo was issued to him for causing accident while driving a bus on 15-12-1995. The petitioner submitted his explanation. The grievance of the petitioner is that the respondent without considering the circumstances explained by him through his explanation and without conducting any enquiry, passed the impugned order stopping two annual increments with cumulative effect. The petitioner preferred an appeal before the second respondent challenging the order of the first respondent, and it was rejected on 21-06-2001 and the review preferred by him before the third respondent was also rejected on 23-11-2002. The petitioner therefore approached this Court through this writ petition to declare that the proceedings of the first respondent dated 17-08-1996 and 09-11-2000 as illegal, arbitrary and violative of the principles of natural justice.

The petitioner contends that the punishment imposed on him is a major penalty. It cannot be imposed without conducting any enquiry. The first respondent without conducting any enquiry imposed the said punishment. Therefore, it amounts to violation of the rules as well as the principles of natural justice. The respondents did not place any material to show whether any enquiry was conducted subsequent to the explanation filed by the petitioner. In the absence of such material, it has to be held that the first respondent failed to follow the procedure prescribed under the rules and regulations. Therefore, the impugned order dated 17-08-1996 is not sustainable under law. But the petitioner having received the adverse order from the third respondent in 2002, kept quiet for more than two years. Therefore, there are some latches on the part of the petitioner also in approaching this court at the earliest time.

Having regard to the facts and circumstances of the case, I am inclined to modify the

punishment of stoppage of two increments with cumulative effect imposed on the petitioner into one of stoppage of two increments without cumulative effect.

The Writ Petition is accordingly disposed of. No order as to costs.

_____ Dr. G. Yethirajulu, J.

Dt:29th September, 2004.

Note: CC within one week.

(B/O)

RNS.

To

1 The Depot Manager, APSRTC Kadiri Depot, Kadiri, Ananthapur Ananthapur District.

2 The Divisional Manager, APSRTC Ananthapur Division District.

3 The Regional Manager, APSRTC Anantapur Region, Ananthapur.

4. Two CD copies.